



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Duerst, et al.

Serial No.: 10/661,148

Filed: September 12, 2003

Title: POLYMORPH OF A
PHARMACEUTICAL

Case No.: 7090US01

Group Art No.: 1624

Examiner: (not yet assigned)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 on:

Date of Deposit: April 27, 2004

Tanya Parent 4/27/04
Tanya Parent Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Enclosed herewith for the patent application identified above entitled POLYMORPH OF A PHARMACEUTICAL are the following:

1. Information Disclosure Statement;
2. Form PTO 1449, in duplicate;
3. References as cited on PTO 1449 (3 references); and
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025.

Respectfully submitted,
Duerst, et al.

Michael J. Ward
Michael J. Ward
Registration No. 37,960
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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed, to the knowledge of the undersigned, before the mailing date of a first Office Action on the merits. Applicants respectfully petition and request that the Examiner consider the listed documents and evidence such consideration by making appropriate notations on the attached form. Copies of non-U.S. patent documents are attached.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is authorized to charge our Deposit Account any additional fees (or credit any over payments) that may be required under 37 C.F.R. §§ 1.16 and 1.17 in association with this communication for which full payment has not been tendered.

Respectfully submitted,
Duerst, et al.



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DATE: April 27, 2004

SHEET 1 of 2

Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 7090US01	SERIAL NO. 10/661,148
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		APPLICANT(S) Duerst, et al.	
		FILING DATE September 12, 2003	GROUP 1624
(37 CFR 1.98 (b))			

U.S.PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	INVENTOR	CLASS	SUB CLASS	FILING DATE
	A1	2003/0129227		Yamaguchi			
	A2	2003/0109503		Smith et al.			
	A3	2003/0105066		Soldato et al.			
	A4	4,409,214	10/11/1983	Takaya et al.			
	A5	4,423,213	12/27/1983	Takaya et al.			
	A6	4,487,927	12/11/1984	Takaya et al.			
	A7	4,559,334	12/17/1985	Takaya et al.			
	A8	4,585,860	4/29/1986	Takaya et al.			
	A9	4,731,443	3/15/1988	Takaya et al.			
	A10	4,935,507	6/19/1990	Takaya et al.			
	A11	5,110,921	5/5/1992	Takaya et al.			
	A12	5,252,731	10/12/1993	Takaya et al.			
	A13	6,093,814	7/25/2000	Lee et al.			
	A14	6,350,869	2/26/2002	Sturm et al.			
	A15	6,406,717	6/18/2002	Cherukuri			
	A16	6,423,341	7/23/2002	Yamaguchi			
	A17	6,537,985	3/25/2003	Mihalik et al.			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLIC-ATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS-LATION YES NO
	B1	02/098884	12.12.2002	WO			
	B2	03/040116	15.05.2003	WO			
	B3	03/050124	19.06.2003	WO			



OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO 1449)